

REMARKS

Upon entry of this paper, claims 1, 19, and 56 have been amended, claims 41-55 have been cancelled, and no claims have been added as new claims. Thus, claims 1-40 and 56-57 are presently pending in this application. No new matter has been added. The cancellation of claims 41-55 should in no way be construed to be an acquiescence to any of the rejections stated. Claims 41-55 are being canceled solely to expedite the prosecution of the present application. Applicant reserves the option to further prosecute the same or similar claims in the instant or a subsequent patent application.

Applicant gratefully thanks the examiner for the indication of allowability of claims 8, 9, 16-18, 22, 25, 37, 40, 55, and 57 if rewritten according to the suggestions stated in the official action. However, applicant respectfully submits that all claims pending in the present application are allowable as described herein.

Claim Rejections under 35 U.S.C. §102

Claims 1-7, 13-15, 19-21, 23, 24, 26-28, 30-32, 35, 36, 38, 39, 41-46, 48-51, and 54

Claims 1-7, 13-15, 19-21, 23, 24, 26-28, 30-32, 35, 36, 38, 39, 41-46, 48-51, and 54 were rejected under 35 U.S.C. §102 as being anticipated by US Patent No. 3,826,257 to Buselmeier (Buselmeier '257). Applicants have requested amendment of independent claims 1, 19, and 56 to further clarify what Applicants remarked in the previous Response. Applicants provide further remarks concerning this anticipatory rejection to further distinguish the claimed invention from Buselmeier '257.

To constitute an anticipation under 35 U.S.C. §102, all the claimed elements must be found in exactly the same situation and united in the same way to perform the identical function in a single unit of the prior art. That is, anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention.

Applicants' previously pointed out in the Response of February 27, 2004 that Buselmeier '257 describes insertion and removal of two tubular tips 17 that can only be done through the distal ends of the u-shaped tube, namely ends 15b and 15c. The Office Action has equated the two tubular tips 17 to the single tubular cartridge insert of the present invention.

Applicants' respectfully submit that Buselmeier '257 fails to disclose that the "first opening and said second opening facilitate *bi-directional installation* through either of said first opening and said second opening and *bi-directional removal* of said tubular cartridge insert through either of said first opening and said second opening regardless of which opening said tubular cartridge was installed through." See amended claim 1, and amended claims 19 and 56.

Said differently, yet still congruent with the remarks that Applicants' have provided in this document and previously, *the tubular tips 17 of Buselmeier '257 are not bi-directionally removable and bi-directionally insertable*. The bi-directional feature of the present invention has been defined as meaning that the cartridge insert "can easily be inserted, displaced, and removed out through either open end of the cartridge platform housing." The Examiner is confusing the ability to put two different tubular tips 17 in two different ends 15b and 15c of the hollow tubular platform housing 15 in FIG. 4 of Buselmeier '257, by asserting that action as being bi-directional.

Once one of the tubular tips 17 is installed in one of the ends 15b or 15c, it cannot be removed through the other end 15b or 15c. Thus, the tubular tips are not bi-directionally removable. More specifically, and looking at the tubular tips 17, in FIG. 4 of Buselmeier '257, the tubular tip 17 partially inserted into end 15b is not bi-directionally removable through either end 15b or end 15c. Instead, *the tubular tip 17 inserted into end 15b is only uni-directionally removable from end 15b*. To remove the tubular tip 17 that is inserted in end 15b from end 15b, *one can only pull the tubular tip in one direction*, specifically, away from end 15b (generally to the left in the orientation of FIG. 4). If one were to push the tubular tip 17 inserted into end 15b in the opposite direction (generally to the right in the orientation of FIG. 4), the tubular tip 17 would be further pushed *into* the hollow tubular platform housing 15, *not removed*. In order for the tubular tip 17 to be "bi-directionally" removable and installable, the tubular tip 17 would have to be inserted all the way through the curved hollow tubular platform housing 15, which is

not disclosed in any way in Buselmeier '257, and does not even appear to be possible based on the curvature of the housing.

In view of the above, Applicants submit that bi-directional installation and bi-directional removal involves an ability to install the cartridge insert in either of two directions and remove the cartridge insert from its installed location in either of two directions. As Buselmeier '257 provides *only a single direction for insertion* and a *single, opposite direction for removal*, Applicants submit that Buselmeier does not teach or suggest the all the limitations of claim 1. Claims 2-7 and 13-15 are patentable at least by way of their dependency from claim 1. In addition, claims 19 and 56, which contain the same "bi-directional" language, are also patentable over Buselmeier '257, as well as all claims that depend therefrom. Reconsideration and with

In light of the above comments, applicants respectfully submit that the claims of the present invention are not anticipated by, and are therefore in condition for allowance over, the cited reference. Reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections under 35 U.S.C. §103

Claims 10, 33, 53, and 56

Claims 10, 33, 53, and 56 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Buselmeier '257. Claim 53 has been cancelled. Claims 1, 19, and 56 have been amended to more clearly identify the present invention. Applicants further distinguish the claimed invention from Buselmeier '257 according to the following remarks.

In view of the discussion above, claim 10 is patentable at least by way of its dependency from claim 1, and claim 33 is patentable at least by way of its dependency from claim 19. Similar to claim 1, discussed above, claim 56 is patentable over Buselmeier at least because claim 56 recites that the first opening and the second opening facilitate bi-directional installation and bi-directional removal of the tubular cartridge insert.

Claims 11, 34, and 52

Claims 11, 34, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buselmeier in view of Schulte (3,853,126). Claim 52 has been cancelled. Claims 1 and 19 have been amended to more clearly identify the present invention. Applicants further distinguish the claimed invention from Buselmeier '257 and Schulte '126 according to the following remarks.

Schulte '126 does not overcome the deficiencies discussed above in relation to claim 1. Therefore, claim 11 is patentable at least by way of its dependency from claim 1. Similarly, Schulte '126 does not overcome the deficiencies of Buselmeier '257 relative to claim 19. Therefore, Applicants submit that claim 34 is patentable at least by way of its dependency from claim 19.

Claims 12, 29, and 47

Claims 12, 29, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buselmeier '257 in view of Santerre et al. (5,798,115). Claim 47 has been cancelled. Claims 1 and 19 have been amended to more clearly identify the present invention. Applicants further distinguish the claimed invention from Buselmeier '257 and Santerre '115 according to the following remarks.

Santerre '115 does not overcome the deficiencies discussed above in relation to claim 1. Therefore, claim 12 is patentable at least by way of its dependency from claim 1. Similarly, Santerre '115 does not overcome the deficiencies of Buselmeier '257 relative to claim 19. Therefore, Applicants submit that claim 29 is patentable at least by way of its dependency from claim 19. Claim 29 is also patentable at least by way of its dependency from claim 24, discussed above.

Amended Claim Language

Applicants respectfully submit that the amendment made to the independent claims 1, 19, and 56 does not rise to the level that would require an additional search by the Examiner. The language merely clarifies that which Applicants originally described in the detailed description, described and intended in the original claim set, and additionally remarked in the previous Response. Specifically, the Examiner has already conducted a search on a “body fluid cartridge exchange platform device, comprising ... bi-directional installation and bi-directional removal of said tubular cartridge insert”. The modification of language clarifying what is already defined in the specification with regard to the term “bi-directional” is merely a different way of stating the same action that has been thoroughly described and remarked upon by Applicants during the course of this prosecution. Accordingly, no new matter has been provided, and no new search is required.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance. Applicant courteously solicits allowance of the claims in the form of a Notice of Allowance. Should there be any further outstanding issues of patentability following the entry of this amendment, a telephone interview is respectfully requested to resolve such issues.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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